

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RONALD BRUCE ELLIS,

Petitioner,

Civil No. 11-492-CL

v.

REPORT AND
RECOMMENDATION

CITY OF PORTLAND, et al.,

Respondent.

CLARKE, Magistrate Judge.

Petitioner filed an Amended Writ of Habeas Corpus (#10) which did not comply with the requirement of Local Rule 295-1 (a).

By Order (#12) entered September 20, 2011, petitioner was

1 - FINDINGS AND RECOMMENDATION

The Clerk sent petitioner the appropriate form.

Petitioner has not filed an amended pleading as directed in the court's order, nor requested an extension of time in which to do so.

Therefore, petitioner's Amended Petition (#10) should be denied without prejudice. This proceeding should be dismissed.

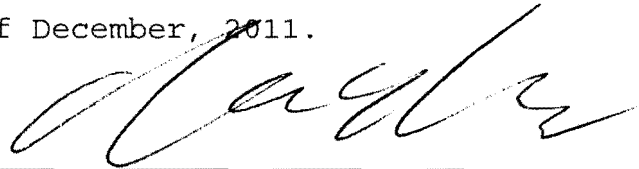
This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have fourteen (14) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

Certificate of Appealability

2 - FINDINGS AND RECOMMENDATION

Should petitioner appeal, a certificate of appealability should be denied as petitioner has not made a substantial showing of the denial of a constitutional right. See, 28 U.S.C. § 2253(c)(2).

DATED this 14 day of December, 2011.

A handwritten signature in black ink, appearing to read 'Mark D. Clarke', written over a horizontal line.

Mark D. Clarke
United States Magistrate Judge